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In re Application of BENESI et al
U.S. Application No.: 10/501,208
PCT Application No.: PCT/US03/01746
Int. Filing Date: 21 January 2003
Priority Date Claimed: 22 January 2002
Attorney Docket No.: SCB-03-1-PCT-US
For: HOT-GAS PRESSURE-FILTER
APPARATUS

DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 19 May 2005.

BACKGROUND

On 21 January 2003, applicant filed international application PCT/US03/01746, which claimed priority of an earlier United States application filed 22 January 2002. The thirty-month period for paying the basic national fee in the United States expired on 22 July 2004.

On 09 July 2004, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was not accompanied by the full basic national fee required by 35 U.S.C. 371(c)(1).

On 05 May 2005, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely pay the basic national fee.

On 19 May 2005, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

A review of the application file reveals that applicant timely submitted a proper request under PCT Rule 92*bis* regarding the inventorship. Thus, the declaration filed 09 July 2004 is accepted under 37 CFR 1.497.

The application has an International Filing Date under 35 U.S.C. 363 of 21 January 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 May 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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